

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
DEVELOPMENT DIVISION OF CORPORATIONS, BUSINESS, AND
PROFESSIONAL LICENSING

Atwood Building
550 West Seventh Ave. Room 12
Anchorage, AK

Board of Nursing Minutes
November 3-4, 2021

By authority of AS 08.01.070(2) and in compliance with the professions of AS 44/62, Article 6, a meeting of the Board of Nursing was held in the Atwood Building 550 W. 7th Ave., Suite 1550 Anchorage, Alaska

Wednesday, November 3, 2021

CALL TO ORDER

Chair Danette Schloeder called the meeting to order at 9:02a.m.

Agenda Item 1: Roll Call

Those present constituting a quorum were:

- Chair RN Member: Danette Schloeder, RN, Anchorage -PRESENT
- Public Member: Shannon Connelly, Palmer - PRESENT
- APRN Member: Wendy Monrad, APRN, RN, Anchorage - PRESENT
- Educator Member, Catherine Hample, RN, MSN, Wasilla – EXCUSED ABSENCE
- Public Member: Julie Tisdale, Wasilla – PRESENT
- RN Member: Lena Lafferty, RN, Anchorage – EXCUSED ABSENCE
- LPN Member: Michael Wilcher, Fairbanks - RESIGNED FROM THE BOARD IMMEDIATELY

Staff present from the Division of Corporations, Business and Professional Licensing:

- Lisa Maroney, Licensing Supervisor
- Madeleine Henderson, Licensing Examiner
- Joan Green, Nurse Consultant
- Melissa Dumas, Division Director
- Jun M., Regulation Specialist
- Lisa Sherrill, PDMP Program Manager
- Laura Carillo, Executive Administrator Pharmacy Board
- Danielle Curry, Licensing Examiner

Members of the Public in attendance via Zoom:

- Heather Brakes, Legislative Consultants, LLC
- Colleen Bridge, RN

- Mary Custer
- Jessica Estes, AK Behavior Health
- Lynn Van Vector, Director, ASHNHA
- Marisa Bune
- Sheri Whitehorn, RN
- Jennifer Privoznik, RN
- Jenni Sumners

Agenda Review

On a motion made by Wendy Monrad, seconded by Shannon Connelly and carried with 4 Ayes, it was **RESOLVED** that the Alaska Board of Nursing approve the agenda for the November 3-4, 2021, meeting.

Ethics Disclosures:

- **None**

Agenda Item 2: Public Testimony

- Lynn Van Vector, ASHNHA - wished to thank the Staff for processing applications quickly and to thank the Board and staff for supporting workforce issues.
- Jennifer Privoznik, RN – Requested that the Board waive professional activity hours again this year. It has been difficult to perform the requirements due to Covid restrictions this past year
- Colleen Bridge, RN – Would like to see Board waive the professional activity hours as it has been difficult to perform in person volunteer work.
- Marcy Custer – Also concerned about the required Professional Activity Hours. She would like to see the Board offer alternatives to the requirements or to reduce the required hours.

Ended Public Testimony at 9:35 a.m.

Agenda Item 3: NCSBN Update

- Chair Schloeder updated the Board with information on attending the NCSBN virtual meeting. The NCSBN voted to adopt the next generation of NCLEX exam. Chair Schloeder also attended the NCLEX Exam Committee meeting online
- Executive Administrator Tessa Linderman Walker informed the board about the new Policy Brief: Clinical Experiences for Unvaccinated Nursing Students and Policy Statement – The Dissemination on Non-scientific and misleading COVID 19 Information by Nurses.
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Agenda Item 4: Update on Emergency Regulations and Licensing

- Executive Administrator Tessa Linderman Walker informed the board about the following:
 - The finding of an “urgent situation” to allow prescription, dispensing and

administration of buprenorphine via telehealth to continue and not be rescinded by the Board.

- Emergency Regulation that allowed CAN training programs to reduce training hours to meet Federal minimum of 75 hours is scheduled to expire January 4th, 2022
- Board approved emergency regulation for the creation of Emergency Courtesy Certification of CNA's
- Department of Health and Social Services contracted with DLH Services to bring in over 400 relief Nurses and CNAs to Alaska

Board Member Wendy Monrad inquired about the licensing requirements in Federal facilities. Nurses who work in a federal facility do not require and Alaska license

Agenda Item 10: Telehealth Regulation Feedback & Discussion

- Jessica Estes presented to the board a discussion regarding the language in the State regulations are much more restrictive than the Federal regulations regarding Telehealth for Behavioral Health.
- It is difficult for behavioral health patients to get to a facility for in person evaluations.
- Especially difficult in rural areas for mental health patients.
- Chair Danette Schloeder suggested creating a working group to discuss Telehealth for behavioral health patients.

Agenda Item 5: Licensing Reports

Danielle Curry, Licensing Examiner, reviewed the Licensing reports from the UAA A.A.S, UAA B.S.N and Charter A.D.N nursing programs. All have met the pass percentage requirements.

There is currently 19,092 active Licenses in Alaska for the 1st quarter of 2022 (July 1 – Sept. 30th) This is down from the previous year, same quarter, of 19,805

Agenda Item 6: CNA Program Update

Joan Green, RN discussed program updates

- Prestige Care Center & Heritage Place have submitted their plans of corrections for the FY21 Q4 pass rates being below the 80%
- UAS-Ketchikan is requesting from the Board if they can do simulation in lieu of clinical, due to COVID
- Wildflower Court in Juneau is not a NA program, but at this time they are not approved to be a clinical site for NA students per Health Facilities and Licensing, due to deficiency in Quality of Care in their last survey
- 2 Facilities- Providence Extended Care and Providence Seward Mt. Haven, have had recent CMS/State Surveys which resulted in Immediate Jeopardy of deficiencies in Quality of Care

No action by the Board at this time

Break: 10:27 a.m.

Return: 10:45 a.m.

Agenda Item 7: APU Update – Marianne Murray

Dr. Marianne Murray presented to the board and update on APU.

- Nursing Program- Application from ACEN for candidacy has been granted for practical nursing program.
- Students – 5 students to graduate in the RN – BSN. There are 40 students enrolled in the Associate Degree program. A Practical Nurse Program in Bethel will be starting soon.
- Faculty – There is currently 4 faculty members. APU also uses adjunct teachers
- Facilities – APU is currently looking for more space

Dr. Murray is requesting the following from the Board

- Letter renewal for support for the Associate and Practical Nurse Program at APU
- Continued waiver for 2022 for adjunct faculty who has AAS degree in nursing and BA in Business and a certified teaching certificate
- First cohort of PN graduates from APU receive a waiver to be eligible to take NCLEX exam during ACEN candidacy status/post onsite visit
- Consideration to revisit practical nurse requirements. 12 AAC 44.090. Faculty

On a motion made by Wendy Monrad and seconded by Shannon Connelly and carried with 4 ayes, it was RESOLVED that the Board of Nursing extend the approval of the APU nursing programs for another year as per regulation.

The motion passed with no further discussion.

On a motion made by Wendy Monrad and seconded by Shannon Connelly and carried with 4 ayes, it was RESOLVED that the Board of Nursing extend the waiver for Charlie Tyrrell as a lab and simulation instructor for the spring semester at APU, one day a week with supervision by an MSN.

The motion passed with no further discussion.

On a motion made by Wendy Monrad and seconded by Shannon Connelly and carried with 4 ayes, it was RESOLVED that the Board of Nursing opens a regulation project to enact changes to 12 AAC 44.090, regarding faculty education requirements.

The motion passed with no further discussion.

Agenda Item 8: English Language Proficiency

Kat Richards requested that the Board consider the request to require a VISA screen and if desired, proof of a minimum score on a qualifying proficiency examination.

On a motion made by Wendy Monrad and seconded by Shannon Connelly and carried with 4 ayes, it was RESOLVED that the Board of Nursing opens a regulation project to enact changes to 12 AAC 44.305, regarding English proficiency requirements.

The motion passed with no further discussion.

Lunch break: 12:00p.m.

Return: 1:00p.m.

Chair Schloeder requested a roll call. Upon completion of the roll call it was determined that a quorum was not present.

The Board mention the Advisory Opinions that are included in the Board packet. The Board mentioned that review of the Advisory Opinions will be tabled until the February 2022 Board meeting.

Recessed at 1:15p.m. Until November 4th at 9:00a.m.

Thursday, November 4th, 2021

CALL TO ORDER

Chair Danette Schloeder called the meeting to order at 9:00a.m.

Those present, constituting a quorum were:

- Chair RN Member: Danette Schloeder, RN Anchorage -PRESENT
- Public Member: Shannon Connelly - PRESENT
- APRN Member: Wendy Monrad, APRN, MSN, Anchorage - PRESENT
- Educator Member: Catherine Hample, RN, MSN, Wasilla - EXCUSED
- Public Member: Julie Tisdale, Wasilla Present
- RN Member: Lena Lafferty, RN, Anchorage - EXCUSED
- LPN Member: Michael Wilcher, LPN, Fairbanks – RESIGNED FROM BOARD
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Staff present from the Division of Corporations, Business and Professional Licensing:

- Tessa Linderman Walker, Executive Administrator
- Lisa Maroney, Licensing Supervisor
- Madeleine Henderson, Licensing Examiner
- Joan Green, Nurse Consultant
- Sonia Lipker, Investigator
- Christina Bond, Investigator
- Jennifer Summers, Investigator
- Joel Dolphin, Investigator
- Marilyn Zimmerman, Division Paralegal
- Karina Medina, Investigator
- Richard Moss, Attorney General's Office

Members of the Public in attendance via Zoom

- **Marcy Custer**
- **Beth Farnstrom**
- **Heather Brakes**

- Colleen Bridge
- Sheri Whitethorn, RN
- Lynn Van Vactor
- Rachel Kuenzi
- Greg Francois
- Jennifer Kroyer
- Karen Medina
- Agenda Review

Agenda Item 13: Investigations – Executive Session

On a motion made by Danette Schloeder, seconded by Shannon Connelly, and carried with 4 Ayes it was agreed that the Alaska Board of Nursing enter into Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing cases and reports by the investigative team. Board staff members are to remain during the session.

Let the record reflect that the Board of Nursing moved into Executive Session at a.m. The door is locked, only Board members, Board staff and the investigative team are present.

At 10:33AM Chair Danette Schloeder announced that the Board was now out of Executive session.

Agenda item 14: Read Orders on the record

David Evon

On a motion made by Danette Schloeder, seconded by Shannon Connelly and carried with 4 Ayes, it was **RESOLVED** that the Alaska Board of Nursing, **HEREBY ORDERs** that default be entered against Respondent and that Respondent's nurse aide certificate, No. NUAA14720, is revoked.

Under AS 44.62.550 and 12 AAC 44.880, the Board will allow Respondent to apply for reinstatement of this certification **after one year** has elapsed following the effective date of this Decision and Order.

Under this provision, any reinstatement of Respondent's nurse aide certificate shall be conditioned subject to:

- 1) Payment of a civil fine in the amount of \$480.00 for Respondent's repeated failure to respond to requests for documentation.

- 2) Mandatory audit to monitor compliance with continuing education requirements, where satisfactory documentation to verify Respondent's completion of the required continuing education activities must be received and approved by the Board or its designee prior to processing the renewal/reinstatement of his nurse aide certification. This requirement will remain until Respondent's nurse aide certification been renewed/reinstated subject to this mandatory audit requirement for two certification periods.

Pamela Faulkner

On a motion made by, Danette Schloeder, seconded by Julie Tisdale and carried with 4 Ayes, it was **RESOLVED** that the Board of The Alaska Board of Nursing, having examined the Surrender of License, Registered Nursing license 147029, issued to Pamela G. Faulkner, related to activities in Case No. 2021-000435 adopts the Surrender of License in this matter.

This Surrender of License takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

Carissa Silva

On a motion made by Danette Schloeder, seconded by Shannon Connelly, and carried with 4 Ayes, it was **RESOLVED** that The Board of Nursing for the State of Alaska, having examined the Surrender of License, Registered Nursing license NURR33679, issued to Carissa L. Silva, related to activities in Case No. 2020-000813 adopts the Surrender of License in this matter.

This Surrender of License takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

Jill Robinson

On a motion made by Danette Schloeder, seconded by Shannon Connelly and carried with 4 Ayes, it was **RESOLVED** that The Board of Nursing for the State of Alaska, having examined the Surrender of License, Registered Nursing license NURR24998, issued to Jill Robinson, related to activities in Case No. 2020-000166 adopts the Surrender of License in this matter.

This Surrender of License takes effect immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

Whitney Pettingill

On a motion made by, Danette Schloeder seconded by Shannon Connelly and carried with 4 Ayes, it was **RESOLVED** that The Board of nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case Nos. 2021-000568, Respondent, license number 176193, adopts the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board.

The Division may enforce the Consent Agreement by immediately suspending Respondent's license, without an additional order from the Board or without a prior hearing, for a violation of the Consent Agreement.

Caressa Barth

On a motion made by Danette Schloeder, seconded by Shannon Connelly and carried with 4 Ayes, it was **RESOLVED** that The Board of nursing for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case Nos. 2021-000599, Respondent, license number 173438, adopts the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the Board.

The Division may enforce the Consent Agreement by immediately suspending Respondent's license, without an additional order from the Board or without a prior hearing, for a violation of the Consent Agreement.

Kristel Coomes

On a motion made by Danette Schloeder, seconded by Shannon Connelly and carried with 4 Ayes and, it was **RESOLVED** that The BOARD OF NURSING for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case Nos. 2021-000301, Respondent, license number NURR38975, adopts the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the BOARD OF NURSING.

The Division may enforce the Consent Agreement by immediately suspending Respondent's license, without an additional order from the BOARD OF NURSING or without a prior hearing, for a violation of the Consent Agreement.

Lisa Murrell

On a motion made by Danette Schloeder, seconded by Shannon Connelly and carried with 4 Ayes and, it was **RESOLVED** that The Board of Nursing for the State of Alaska, having examined this Order, regarding Case No. 2020-000881, pertaining to Lisa Murrell, Alaska Licensed Nurse # NURR 31613, agrees to modify the existing Agreement, effective immediately upon signature of this Order in accordance with the approval of the Board of Nursing.

Viva Esquibel

No motion made. Case was referred back to investigation

Tiffany Fleeman – No motion or vote was made at this time

Jennifer Kroyer – No motion or vote was made at this time

Melanie Anderson – On a motion made by Danette Schloeder, seconded by Shannon Connelly, and carried with 2 Ayes and 2 Nays. Motion failed to pass that the Board of Nursing for the State of Alaska considered a request from Melanie Anderson for release from the 2-year probation required under her November 5, 2020, Consent Agreement. Ms. Anderson is a Registered Nurse in the State of Alaska and holds license NURR 38302, first issued on January 28, 2015, and will lapse unless renewed on November 30, 2022.

All original orders were signed by the Chair.

Break: 10:48am

Return: 11:05am

Agenda Item 15: Licensing post consent agreement

Sonia Lipker, Senior Investigator, discussed with the board...

On a motion made by Shannon Connelly, seconded by Julie Tisdale and carried with 4 Ayes, it was **RESOLVED** that the State of Alaska Board of Nursing allows for licensees who have signed a consent agreement prior to a board meeting will be allowed to receive their license upon signing the consent agreement.

Agenda Item 16: Update Discipline Matrix

The Board members discussed the used of the Matrix when reviewing cases.

Agenda Item 20 CRNA Continuing Education

The Board discussed Class B Requirements for CRNA's. The Board will discuss with Investigation that the CRNA's can only use Class A Requirements

Break 11:38am

Back 1:00pm

Chair Danette Schloeder called the meeting back to order with 4 out of the 7 Board Members present

Agenda Item 17: Regulations Projects

Jun Maiquis, Regulations Specialist...

On a motion made by Wendy Monrad and seconded by Julie Tisdale that the Board of Nursing adopts the regulation changes to **12 AAC 44.400, 44.445, and 44.465**, regarding APRN requirements for initial licensure, prescription signature, controlled substance prescriptive authority and identification to be made permanent as proposed and publicly noticed.

Motion was withdrawn by Wendy Monrad

On a motion made by Wendy Monrad and seconded by Shannon Connelly, and carried with 4 ayes, it was RESOLVED that the Board of Nursing adopts the regulation changes to **12 AAC 44.400 and 44.465**, regarding APRN requirements for initial licensure, prescription signature, and identification to be made permanent as proposed and publicly noticed

On a motion made by Danette Schloeder and seconded by Wendy Monrad, and carried with 4 ayes, it was RESOLBED that the Board of Nursing adopts the regulation changes to 12ACC 44.440 (c) Regarding prescriptive authority,

The motion passed with no further discussion.

On a motion made by Julie Tisdale and seconded by Wendy Monrad and carried with 4 ayes, it was RESOLVED that the Board of Nursing adopts the emergency regulation changes to **12 AAC 44.835**, regarding CNA training program requirements during an urgent situation, to be made permanent as proposed and publicly noticed.

The motion passed with no further discussion.

On a motion made by Danette Schloeder and seconded by Julie and carried with 4ayes, it was RESOLVED that the Board of Nursing adopts the emergency regulation changes to **12 AAC 44.806**, which allows for emergency courtesy certification for nurse aides during an urgent situation, to be made permanent as proposed and publicly noticed.

The motion passed with no further discussion.

On a motion made by Danette Schloeder and seconded by Wendy Monrad and carried with 4 ayes, it was **RESOLVED** that the Board of Nursing adopts the regulation changes to **12 AAC 44.805 and 44.815**, regarding CNA certification by endorsement and issuance and renewal of certification to be made permanent as proposed and publicly noticed.

The motion passed with no further discussion.

Break: 2:00p.m.

Return: 2:20p.m

Agenda Item 11: Division Report and Military Licensing
Melissa Dumas reported to the board...

On a motion made by Danette Schloeder and seconded by Shannon Connelly and carried with 4 ayes, it was **RESOLVED** that the Board of Nursing opens a regulation project to develop a nursing regulation regarding temporary licenses for military spouses and military personnel.

The motion passed with no further discussion

Agenda Item 18: Advisory Opinion Review

Chair Danette Schloeder...

Agenda Item 19: Professional Activity Hours request

The Board reviewed letters in support of reducing the Professional Activity hours from 60 to 30. The Board did not take action. This item will be discussed at the February 2022 Board meeting.

Agenda Item 20: Parent Delegation to UAPs in Schools

On a motion made by Danette Schloeder and seconded by Shannon Connelly and carried with 4 ayes, it was **RESOLVED** that the Board of Nursing issues an advisory opinion stating parents are able to delegate the administration of the controlled substances, specifically nasal diazepam and nasal midazolam, to non-licensed personnel in a school setting.

The motion passed with no further discussion.

Sarah Chambers reviewed the Division Report with the Board

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Agenda Item 21: Meeting Adjourned

On a motion made by Wendy Monrad, seconded by Shannon Connelly and carried with 4 Ayes, the State of Alaska Board of Nursing adjourned at p.m. Until February 2022, or for any special meetings that occur before then.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jessa W. J.", positioned above a horizontal line.

Executive Administrator, Alaska Board of Nursing

Approved:

Date: 12/21/2021

DocuSigned by:

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Chair, Alaska Board of Nursing